

Message Text

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ACTION ARA-10

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC 8421

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FOR: ARA-MR. CORRY; L/ARA-MR. GENTZ

EO 11652: NA

TAGS: BDIS, EINV, PE

SUBJ: U.S. CITIZEN CLAIM TO SHARES IN PERUVIAN COMPANIES

1. U.S. CITIZEN NICHOLAS F. TRUTANIC, GENERAL MANAGER, FISHERIES DEPARTMENT, STAR-KIST FOODS, INC., TERMINAL ISLAND, CALIFORNIA, VISITED COMATT JANUARY 14. THE DEPARTMENT IS REFERRED TO PREVIOUS CORRESPONDENCE WITH MR. TRUTANIC (CHENEY-TRUTANIC LETTER OF 3/25/74 SENT TO ARA/PE, DS-4 OF 2/28/74 TO ARA/EP, AND CHENEY-FRECHETTE LETTER OF 11/28/73) CONCERNING TRUTANIC'S EQUITY INVESTMENT IN A PERUVIAN FISHING COMPANY, SAN BLAS, WHICH WAS EXPROPRIATED BY GOP ALONG WITH THE OTHER FISHING COMPANIES IN MAY, 1973.

2. MR. TRUTANIC WAS IN LIMA TO ARRANGE FOR A LOCAL BANK TO HOLD THE BONDS HE HOPES HE WILL ULTIMATELY RECEIVE FOR HIS PART OWNERSHIP IN SAN BLAS. AS THE DEPARTMENT'S RECORDS DEMONSTRATE, THESE SHARES WERE NOT REGISTERED IN HIS NAME BUT IN THE NAME OF A PERUVIAN ASSOCIATE. MR. TRUTANIC ASKED HOW THE EMBASSY COULD ASSIST HIM IN REPATRIATING HIS MONEY. EMBOFF REPLIED THAT WE HAD PREVIOUSLY INFORMED HIM BY CORRESPONDENCE THAT SINCE HE IS NOT THE OWNER OF RECORD OF THESE SHARES IT WOULD BE DIFFICULT TO SUSTAIN A CLAIM TO THEM, AND THAT IN ADDITION THE EMBASSY IS NOT IN A POSITION TO RECEIVE THE SHARES OR ACT AS HIS LEGAL REPRESENTATIVE. EMBOFF RECOMMENDED THAT MR. TRUTANIC OBTAIN LEGAL COUNSEL TO ASSIST HIM.

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3. MR. TRUTANIC THEN REQUESTED FURTHER ASSISTANCE CONCERNING

THE FACT THAT SAN BLAS OWNED 15 PERCENT OF THE SHARES IN A COMPANY IN CALIFORNIA OWNED BY MR. TRUTANIC CALLED UNIVERSAL PACKERS. THE ALLEGED VALUE OF THESE SHARES IS ABOUT \$200,000. ACCORDING TO MR. TRUTANIC, THE FACT THAT THE GOP HOLDS THE SHARES IS CAUSING LEGAL PROBLEMS IN THE DISPOSITION OF THE SHARES HE HAS IN THE U.S. MR. TRUTANIC CLAIMED THAT THE GOP HAS ILLEGALLY SEIZED THESE SHARES WHEN IT EXPROPRIATED SAN BLAS SINCE THE EXPROPRIATION DECREE ONLY COVERED FISHMEAL OPERATIONS. SAN BLAS HELD SHARES IN UNIVERSAL PACKERS WHICH WAS NOT A FISHMEAL COMPANY MR. TRUTANIC HAS TRIED TO ARRANGE A TRADE OF THE 15 PERCENT OF THE SHARES HELD BY THE GOP IN UNIVERSAL PACKERS FOR THE BONDS REPRESENTING HIS SHARES OF SAN BLAS. HE HAS BEEN UNSUCCESSFUL. HE REQUESTED THE EMBASSY TO ASSIST HIM IN OBTAINING THESE SHARES. MR. TRUTANIC WAS INFORMED THAT WHILE PERUVIAN COUNSEL WAS UNDOUBTEDLY THE BEST AND PROBABLY THE ONLY RECOURSE IN HIS CASE, HE MIGHT WISH TO DISCUSS THE MATTER WITH THE PERUVIAN DESK OFFICER AND THE APPROPRIATE LEGAL ADVISERS IN THE DEPARTMENT.

4. COMMENT: EMBASSY PLANS TO DISCUSS THIS ISSUE WITH DAVID GANTZ OF L/ARA DURING HIS VISIT TO LIMA NEXT WEEK. ON THE BASIS OF ALL THE PREVIOUS RECORDS, WE BELIEVE THAT MR. TRUTANIC WOULD HAVE DIFFICULTY DEMONSTRATING THAT HE IS, IN FACT, THE OWNER OF RECORD OF THE SAN BLAS SHARES UNDER PERUVIAN LAW. CONSEQUENTLY, WE ARE DOUBTFUL THAT HE COULD THEN ESTABLISH SATISFACTORILY TO THE PERUVIAN AUTHORITIES THAT THEY SHOULD AUTHORIZE REPATRIATION OF HIS HOLDING IN UNIVERSAL PACKERS, THE ISSUE OF CENTRAL CONCERN TO MR. TRUTANIC. WE ARE BRING THIS CASE TO THE DEPARTMENT'S ATTENTION IN THE LIKELY EVENT THAT HE APPROACHES THE DEPARTMENT FOR ASSISTANCE. IT APPEARS THAT NEITHER THE DEPARTMENT NOR THE EMBASSY COULD PROPERLY ACT ON BEHALF OF MR. TRUTANIC TO ASSIST IN THE REPATRIATION OF HIS FUNDS. WE WOULD APPRECIATE DEPARTMENT'S GUIDANCE IN CASE MR. TRUTANIC APPROACHES US ONCE AGAIN FOR ASSISTANCE.

DEAN

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